IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24791 of 2004

Between:

1 Smt.Panem Sammakka W/o Late Sriramulu
Pedda Gollagudem Village, Wazedu Revenue Mandal,
Khammam District.
2 Panem Mallikarjunarao S/o Late Sriramulu
Pedda Gollagudem Village, Wazedu Revenue Mandal,
Khammam District.
3 Smt.Panem Lakshmi w/o Mallikarjunarao
Pedda Gollagudem Village, Wazedu Revenue Mandal,
Khammam District.

..... PETITIONERS

AND

The Mandal Revnue Officer, Wazedu,
Khamman District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction , more particularly one in the nature of Writ of Mandamus declaring action of the Respondent and his subordinates in taking steps to dispossess the petitioners from their house sites, total admeasuring Ac. 0.90 cents consisting of Residential house bearing No.2-51 & 2-51/B, situated at Pedda Gollagudem Village, Cherukuru Grampanchayat, Wazedu mandal, khammam district without issuing any notice and without initiating any proceedings is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent and his subordinates not to disposes the petitioners from their properties

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Counsel for the Petitioners: Mr.KOWTURU VINAYA KUMAR

Counsel for Respondent : G.P. FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

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The petitioners claim to be in possession of the land admeasuring Ac.0.90 cents, bearing residential house Nos. 2-51 and 2-51/B, Pedda Gollagudem village, Cherukuru Gram Panchayat, Wazedu Mandal, Khammam district having acquired the same by way of succession, after death of their father in the year 1999. The petitioners contend that they are paying the house taxes to the Gram Panchayat and that the respondent has conducted a survey and issued confirmation certificate on 15-6-2002. The grievance of the petitioners is that without issuing any notice and without providing any opportunity or following due process of law, respondent is trying to dispossess them from the subject property and trying to issue pattas to third parties. Hence, the present writ petition.

Heard the learned counsel for petitioners and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage, with the following direction:

If the respondent intends to acquire private land of individuals, he shall follow the procedure established by law and pay compensation to the individuals. If the land is a Government land, which is under encroachment, he shall follow the procedure under Land Encroachment Act, for eviction. Till then, the parties shall maintain status quo obtaining as on today as regards the possession of the petitioners. If the respondent has already followed the due process of law in the matter, he is at liberty to take consequential steps for eviction.

Accordingly, the writ petition is disposed of, at the admission stage.

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N.V.RAMANA,J

DATED 30-12-2004

TVK/DA

To,

1..The Mandal Revenue Officer, Wazedu, Khammam district

2.. Two CCs to the G.P. for Revenue, High Court buildings, Hyderabad

(OUT)

3.. Two CD copies